

## **BEFORE THE WEST VIRGINIA BOARD OF MEDICINE**

**IN RE: JOHN VINCENT MERRIFIELD, M.D.**

### **CONSENT ORDER**

The West Virginia Board of Medicine ("Board") and John Vincent Merrifield, M.D. ("Dr. Merrifield") freely and voluntarily enter into the following Consent Order pursuant to W. Va. Code § 30-3-14, et seq.

### **FINDINGS OF FACT**

1. Dr. Merrifield currently holds an inactive license to practice medicine and surgery in the State of West Virginia, License No. 09156, issued in 1969 by the Board, and his address of record is in Dunbar, West Virginia.

2. In September 2008, the Complaint Committee of the Board ("Committee") initiated a complaint against Dr. Merrifield based on the Circuit Court of Kanawha County on July 29, 2008, adjudging Dr. Merrifield guilty of the felony offense of Gross Neglect Creating a Substantial Risk of Serious Bodily Injury or Death in violation of Chapter 61, Article 8-D-4(e), West Virginia Code 1931, as amended, based upon his plea of nolo contendere in the Circuit Court of Kanawha County entered on April 7, 2008, in State of West Virginia v. John V. Merrifield, M.D., Case No. 07-F-9.

3. Dr. Merrifield has appeared before the Committee for a discussion of this matter.

4. Dr. Merrifield suffers from health problems and desires to resolve all matters pending before the Committee by entering into this Consent Order.

### **CONCLUSIONS OF LAW**

1. The Board has a mandate pursuant to the West Virginia Medical Practice Act to protect the public interest. W. Va. Code § 30-3-1.

2. Probable cause exists to substantiate charges of disqualification of Dr. Merrifield from the practice of medicine and surgery in the State of West Virginia due to a violation of the West Virginia Medical Practice Act, that is W. Va. Code § 30-3-14(c)(2), being found guilty of a crime which is a felony.

3. The Board has determined that it is appropriate and in the public interest to waive the commencement of proceedings against Dr. Merrifield, and to proceed without the filing of formal charges in a Complaint and Notice of Hearing at this time, provided Dr. Merrifield enters into this Consent Order, which he has agreed to do.

### **CONSENT**

John V. Merrifield, M.D., by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and proceedings conducted in accordance with this Order, to the following:

1. Dr. Merrifield acknowledges that he is fully aware that, without his consent here given, no permanent legal action may be taken against him except after a public hearing held in accordance with W. Va. Code § 30-3-14(h) and § 29A-5-1, et seq.

2. Dr. Merrifield further acknowledges that he has the following rights, among others: the right to a formal public hearing before the Board, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, and the right to cross-examine witnesses against him.

3. Dr. Merrifield waives all rights to such a public hearing.

4. Dr. Merrifield consents to the entry of this Order relative to his practice of medicine and surgery in the State of West Virginia.

5. Dr. Merrifield understands that this Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

## **ORDER**

**WHEREFORE**, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and on the basis of the Consent of Dr. Merrifield, the West Virginia Board of Medicine hereby **ORDERS** as follows:

1. Effective May 15, 2009, Dr. Merrifield's license, No. 09156, is **SURRENDERED** to the Board.

2. Dr. Merrifield will not apply to the Board for licensure in the future, and if he does, his application will be denied.

The foregoing Consent Order was entered this 11<sup>th</sup> day of May, 2009.

WEST VIRGINIA BOARD OF MEDICINE

John A. Wade, Jr., M.D.  
John A. Wade, Jr., M.D.  
President

Catherine Slemp  
Catherine Slemp, M.D., M.P.H.  
Secretary

John V. Merrifield, M.D.  
John V. Merrifield, M.D.  
Date: 5/6/09

STATE OF West Virginia  
COUNTY OF Kanawha

I, Nancee R. Barnette, a Notary Public for said county and state  
do hereby certify that John V. Merrifield, M.D., whose name is signed above, has this day  
acknowledged the same before me.

Given under my hand this 6<sup>th</sup> day of May 2009. My  
commission expires 02-15-19

Nancee R. Barnette  
Notary Public

